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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of

MM Docket No. 98-204

Review of the Commission's Broadcast  
And Cable Equal Employment  
Opportunity Rules and Policies

COMMENTS OF RADIO ONE, INC.

Radio One, Inc. ("Radio One"), hereby submits its comments in response to the Second Notice of Proposed Rule Making ("Second NPRM") released by the Federal Communications Commission ("FCC" or "Commission") on December 21, 2001 in the above-captioned proceeding.<sup>1</sup> In the Second NPRM, the Commission is considering new broadcast equal employment opportunity ("EEO") rules and policies, that in the Commission's view, would be consistent with the decision of the U.S. Court of Appeals for the District of Columbia Circuit in MD/DC/DE Broadcasters Association v. FCC, 236 F.3d 13, rehearing den. 253 F.3d 732 (D.C. Cir. 2001).

<sup>1</sup> FCC 01-329 (rel. Nov. 9, 2001).

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## **I. INTRODUCTION**

Radio One, Inc. ("Radio One") is the nation's seventh largest radio broadcasting company, and the largest broadcaster primarily targeting African-American and urban listeners. Radio One, a publicly traded company, has been in the radio broadcast business since 1980, and currently owns and/or operates 65 radio stations located in 22 of the largest markets in the United States.

For the reasons set forth below, Radio One submits that the Commission's proposed rules should be approved and adopted because they are essential to promoting equal employment opportunities for all segments of the industry's workforce. As demonstrated below, such action will help the broadcast and cable industries to recruit a diverse and capable workforce.

## **II. THE PROPOSED RULES ARE NEITHER BURDENSOME NOR UNREASONABLE, WITH THE BENEFITS FAR OUTWEIGHING THE COSTS OF TIME AND MONEY NECESSARY TO ACHIEVE COMPLIANCE**

Radio One does not dispute that the Commission's proposed rules are legally sound, because in its view, rather than focusing on the results of the recruiting process or creating mandatory hiring preferences or quotas, the rules merely direct licensees to expand their recruitment efforts in such a way so as to broaden and diversify their applicant pool.

Radio One is unique among other broadcasters of its size (or larger), because of its history and its business strategy. Radio One was founded by an African-American woman, Cathy Hughes, and remains to this day a minority-controlled company. From the outset, Radio One's focus has been to target its programming to minorities, namely African-Americans, and urban listeners. Throughout the years, Radio One has exhibited a strong commitment to community involvement in the local African-American communities where its stations are located, demonstrated by the special events and programs that it sponsors. In addition, Radio One has regularly held job fairs in each of the markets in which it operates, as well as instituted mentor programs for high school and college students, and has sent on-air talent to various fundraising events and "career days" at local schools which not only target the minority community, but the local community in general. It should also be noted, however, that while Radio One's community outreach is focused primarily on African-Americans, such efforts (including recruitment) are not targeted exclusively to African-Americans, in particular, or minorities, in general.

Invariably, the special events and programs Radio One has sponsored means that the company has developed long-standing relationships with those in the minority community. These relationships, in turn, have given Radio One access to those organizations and groups that are most likely to be able to refer

minority candidates, as well as access to greater numbers of minority candidates in general. Radio One also recognizes that complying with the Commission's proposed rules, by engaging in recruiting efforts which fall outside traditional recruitment sources, will not prove as difficult for Radio One as other, more mainstream, broadcast companies. But, while that may be true, Radio One's access to minority groups, organizations and candidates is neither extraordinary nor particularly special; and the same type of access can easily be achieved by more mainstream broadcast companies. All that is required is a general commitment to the ideal that by participating in broader recruitment outreach efforts, it will lead to a larger, more diversified applicant pool, which in turn leads to a more diverse workforce as a whole. The resulting benefit here, then, is that a more diverse workforce leads to a greater likelihood that minorities and women will be hired and promoted, thus bringing their own unique experiences, perspectives and talents to the job and the workplace. An additional benefit to a more diverse workforce is that it makes future outreach efforts easier because licensees will have employees within its organization with real and legitimate connections to underserved and underrepresented communities, and can utilize such connections and relationships to recruit others. Both of these benefits serve the general public interest well, as it brings more creativity and diversity to

programming overall; and fosters greater interaction among various and/or different communities of people.

**III. THE NEED FOR THE PROPOSED RULES IS GREATER THAN EVER AS A RESULT OF RECENT CONSOLIDATION IN THE INDUSTRY**

Radio One also supports the Commission's proposed rules because in its view, they are needed and are now more necessary than ever especially in the aftermath of the consolidation in the radio industry following the relaxation of the FCC's numerical limits on station ownership, as required by Congress in Section 202(b) of the Telecommunications Act of 1996 (the "1996 Act"). One of the effects of consolidation under the 1996 Act has been that group owners are able to achieve economies of scale by "clustering" multiple stations in a local market through a common, more centralized operation. The obvious advantage of such clustering is that it translates into tremendous cost savings by consolidating support services and eliminating redundant management positions. It also translates allows for the sharing of overall station revenue, whereby a top revenue producing station within a "cluster" can financially support a lesser producing station within that same cluster.

The major disadvantage to clustering, however, has been that the number of quality broadcasting jobs, particularly top management positions, have greatly diminished. This has put extraordinary pressure on minorities and women to

compete for fewer jobs in a marketplace where they are already underrepresented, particularly at the top level. This phenomenon will only be further exacerbated by the fact that the Commission has elected not to extend recruitment mandates for internal hires/promotions.

#### **IV. THE SUBSTANTIVE REQUIREMENTS OF THE PROPOSED RULES CAN BE IMPROVED OR CLARIFIED**

While Radio One fully supports the Commission's proposed rules, it also recognizes that some of the substantive requirements of the proposed rules could be improved and/or clarified.

The Commission's proposed rules resurrect most of the EEO forms that licensees were previously required to submit, with the exception of Form 397 (Statement of Compliance). While some licensees in the past complained that the Commission's previous timetable for filing such forms was burdensome, it is Radio One's position that they should be reinstated, as before, because of the enormous utility of the forms.<sup>2</sup> It is Radio One's position that such filing requirements ultimately promote and improve diversity because it forces licensees, on a regular basis, to self assess and look at their own recruitment efforts. The importance of so regular a self-assessment is self-evident. If a

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<sup>2</sup> In lieu of some or all of the old EEO forms, an alternative might be adopting a form similar that captures the same information that licensees are required to deliver to the Equal Employment Opportunity Commission (EEOC).

licensee is unaware of the diversity within its own workplace, it is less likely to pursue or even see the need for outreach efforts. The filing requirements are highly useful because it will tell a licensee, among other things, whether it has been particularly successful in recruiting minorities or whether there is a high turnover of minorities. The answers to these questions, and others like it, will invariably impact a licensee's public image and reputation as an employer, which in turn effects the way potential applicants perceive the licensee and how successful the licensee will be in its recruitment efforts.

Radio One also believes that the Commission's proposed rules on record-keeping requirements should be extended so that rather than, or in addition to maintaining EEO outreach records in their public files (or on websites), licensees should be required to post this information on the Commission's website. There is significant benefit in disclosing this information in a very public way. First, it puts pressure on licensees to comply with the Commission's rules. Second, it allows each licensee to have access to that information, which has the potential effect of forcing a licensee to "police" itself. Presumably, by comparing its own recruitment statistics with other licensees, the licensee has yet another opportunity to self-assess, and correct if necessary. An additional benefit to anonymously disclosing information submitted via the Commission's record-keeping requirements is that information regarding recruitment sources used by

one licensee can be shared by all and utilized by all. This in turn means that licensees looking to expand their recruitment sources have a ready resource of information, which means that less effort and less money would need to be spent over time.

Finally, Radio One believes that the Commission's proposed rules should require licensees to perform a certain number of "recruitment initiatives" every year, as opposed to over a two-year period, because of the high turn-over of positions particularly in the radio broadcast industry. The risk of permitting licensees to perform such initiatives over a two-year period of time is that licensees could avoid outreach efforts for a significant period of time, which only further frustrates the Commission's regulatory mission.

For the foregoing reasons, the Commission's proposed rules should be approved and adopted.

Respectfully submitted by,



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